

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEWAYNE J. DARRINGTON,

Petitioner,

v.

CASE NO. 2:08-CV-582
JUDGE SMITH
MAGISTRATE JUDGE KING

WARDEN, WARREN CORRECTIONAL
INSTITUTION,

Respondent.

ORDER

On May 19, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that respondent's motion to dismiss be granted and that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed as barred by the one-year statute of limitations under 28 U.S.C. §2244(d). Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

The Clerk shall enter FINAL JUDGMENT.

s/George C. Smith
GEORGE C. SMITH
United States District Judge